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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,749	04/20/2000	Rian R. Maloney	021768.1087	9040

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EXAMINER
BHATNAGAR, ANAND P

ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary	Application No. 09/558,749	Applicant(s) MALONEY, RIAN R.
	Examiner Anand Bhatnagar	Art Unit 2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-55* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-55* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *6 and 7* .	6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1,11,20,31, and 41: Applicant claims to "generate a process buffer based on the MICR buffer". In the specifications, page 7 lines 3-5, applicant converts a MICR buffer into a process buffer by reformatting the MICR data. This is vague and indefinite. Examiner understands this as data is being converted from one form to another in order for a specific processing to be performed on this converted data and not as a generation of a new buffer, which is a hardware configurement, in the middle of software processing of data. For prior art purposes examiner will address it as data conversion.

Regarding claim 29: It is vague and indefinite. Appropriate correction is required. Examiner will address this claim as best understood.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-55 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Myers (U.S. patent 5,790,260) and Scalzi et al. (U.S. patent 6,009,261).

Regarding claims 1,11,and 20: A method for communicating between a

check processing system and a check sorter (col. 4 lines 1-7), comprising:

As for the limitations of :

accessing a MICR buffer for the check sorter, the MICR buffer comprising

MICR data retrieved from a check;

generating a process buffer based on the MICR buffer, the process buffer

standardized for a plurality of disparate types of check sorters;

receiving a plurality of feature instructions for the check based on the

process buffer; and communicating the feature instructions to the check sorter for

processing of the check.

Myers discloses a check sorting, archiving, digitizing apparatus where a

computer a check processing system is connected to a MICR reader/sorter (fig. 8

elements 34 and 36 and col. 4 lines 1-7). Myers further discloses a system where

the check processing system and the check reader/sorter are compatible. Myers

does not teach where the two processing systems are non-compatible and where

data will need to be converted from one system to the other and instructions

made accordingly. Scalzi et al. teaches a system where emulation/

communication takes place between a target processor and a host processor

which is incompatible due to a change in the computer architecture/configuration

(col. 3 lines 62-65 and col. 4 lines 4-8). Scalzi et al. teaches where the data of

the target processor cache "buffer" is accessed and instructions given

accordingly to this data (fig. 1 elements 101-106, col. 4 lines 19-24, and col. 9

lines 12-19). It is obvious to one skilled in the art when connected systems, that

are incompatible, the data from one system must be converted from one system

to another and/or new instructions developed to make the system compatible. It

is obvious to one skilled in the art to combine the teaching of Scalzi et al. to that

of Myers because they are analogous in different processing systems, which are

connected together, with instructions from one system given to the other system.

One in the art would have been motivated to incorporate the

emulation/communication device in a system of two different connected

processing systems which are incompatible, due to architectural differences, so

that when an upgrade is needed in this system only one of the processing

system needs to be replaced in turn keeping the costs of upgrading the system to

a minimum.

Regarding claims 31 and 41: It is rejected for the reasons of claim

1,11,and 20.

As for the limitation of logic stored on a computer processor medium (Myers; fig. 7 elements 110 and 112 and col. 4 lines 3-7).

Regarding claims 2,21,32 and 42: The method of Claim 1, the standardized process buffer comprising a format compatible with a check sorter compatible with the check processing system.

Regarding claims 3,12, 22,33, and 43: The method where the MICR data comprising an account number for the check (Myers; col. 4 lines 33-35).

Regarding claims 4,13, 23, 34, and 44: The method where the feature instructions comprising an endorsement instruction operable to control endorsement of the check by the check sorter (Myers; col. 4 lines 3-6).

Regarding claims 5,14,24,35, and 45: The method where the feature instructions comprising a microfilm instruction operable to control recording of a microfilm image of the check by the check sorter (Myers; col. 4 lines 28-30).

Regarding claims 6,15, 25, 36, and 46: The method the feature instructions comprising a digital image instruction operable to control recording of a digital image of the check by the check sorter (Myers; col. 4 lines 32-39).

Regarding claims 7,16,26,37, and 47: The method of Claim 6, the digital image instruction further operable to specify at least one of a plurality of digital capture options, the options comprising the recording of a front image of the check and the recording of a back image of the check (Myers; col. 4 lines 4-6 and 25-32).

Regarding claims 10,19,30,40, and 50: The method of where the non-compatible check sorter comprising an IBM 3890 or 3890/XP series check sorter (Myers; col. 6 lines 12-15).

Regarding claim 29: The system of Claim 20, the check processing system is non-compatible with the check sorter.

It is rejected for the reasons of claim 1,11,20,31, and 41.

Regarding claims 8,17,27,38, and 48: The method where the options further comprising a black and white image, a gray scale image, and a color image.

Myers discloses a check sorting and archiving system where digitized images of either the front and/or back of the check is archived (col. 4 lines 3-7 and 35-36). Myers does not teach to have this digitized image as B/W, gray scale, or in color specifically. It is obvious to one in the art to configure the system to digitize the image from one to all three possibilities B/W, gray scale, or color.

Regarding claims 9,18,28, 39, and 49: The method of Claim 1, the feature instructions comprising a pocket selection instruction operable to direct the check to a specified pocket.

Myers discloses a check imaging, archiving, and sorting system. Myers does not disclose to have the check sorting performed whereby the sorted checks are placed in a pocket. It is obvious to one skilled in the art that once

checks are sorted they are placed in a specific location or pocket for either filing or mailing back to customers.

Regarding claims 51 and 54: A check sorter, comprising:

It is rejected for the combination of claims 1,11, and 20,31, and claims 7,16,26,37, and 47.

As for the limitation of a controller responsive to instructions based on the check information, the controller operable to control the digital imaging system to selectively image one or more of the front and the back of the check.

Myers discloses a check sorting system that performs check information reading, endorsing, microfilming, digitizing an image of the check, etc. Myers further teaches to digitize an image of the front and back of the check or at least one side of the check (col. 4 lines 3-7 and 35-36). Myers does not teach to have a controller to control the digitizing an image of the check based on the check information. It is obvious to one skilled in the art to configure the system with a device which would digitize an image of the check based on the information on the check in order to be more efficient by reducing the amount of data needed to be stored by digitizing and storing only one side of a check if most of the important information is on one side only.

Regarding claims 52 and 53: The check sorter where the controller further operable to control the digital imaging system to image the front/back of the check in black and white, gray scale or color.

Myers discloses a check sorting and archiving system where digitized

images of either the front and/or back of the check is archived (col. 4 lines 3-7

and 35-36). Myers does not teach to have this digitized image as B/W, gray scale

, or in color specifically. It is obvious to one in the art that a digitized image is one

of those three possibilities either B/W, gray scale, or color.

Regarding claim 55: It is rejected for the combination of claims 52-54.

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Green et al. (U.S. patent 5,602,936) for check sortering system.

Kay et al. (U.S. patent 6,349,274) for a manager configuration device for a

data acquisition system.

Dinan et al. (U.S. patent 5,025,483) for a buffering of MICR data.

Dinan et al. (u.s. Patent 4,888,812) for gray scale and B/W imaging of

checks.

Needham (U.S. patent 5,167,021) for a communication of data between

buffers.

4.   Any inquiry into this communication should be directed to Anand

Bhatnagar whose telephone number is 703-306-5914, whose supervisor is

Amelia Au whose number is 703-308-6604, group receptionist is 703-305-4700,

and group fax is 703-872-9314.

Anand Bhatnagar

Art Unit 2623

August 12, 2002